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SUMMARY RECORD OF THE 59th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 March 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)

CONTENTS

Statement by the Minister of Primary and Secondary Education of Rwanda

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories

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GE.93-12075 (E)

CONTENTS (continued)

Rights of the child, including:

(a) Status of the Convention on the Rights of the Child

(b) Report of the Special Rapporteur on the sale of children

(c) Programme of action for the elimination of the exploitation of child labour

(d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

The meeting was called to order at 10.55 a.m.

STATEMENT BY THE MINISTER OF PRIMARY AND SECONDARY EDUCATION OF RWANDA

1. The CHAIRMAN said that he would first of all like to extend greetings to the world's women and to congratulate them on the role that they played in all spheres, at the family, national and international levels. He was particularly happy to give the floor to a woman, the Minister of Primary and Secondary Education of Rwanda, on the occasion of International Women's Day.

2. Mrs. UWILINGIYIMANA (Rwanda) said that she was speaking on behalf of the Government of Rwanda, and would describe to the Commission the current human rights situation in Rwanda, the machinery set up to promote those rights and the major difficulties encountered by her Government in that difficult task. She would summarize the current political situation in Rwanda and the progress achieved in the democratization process which had started in June 1991 with the promulgation of the Act on political parties. There were now 16 recognized political parties in Rwanda. The Commission had been told at earlier sessions about the origins of the war embarked upon in October 1990 by the Rwandese Patriotic Front (FPR - Inkotanyi) from Uganda, a neighbouring country, which had obviously supported the RPL by supplying it with considerable human and material resources.

3. Rwanda was a small land-locked country, with no remunerative resources, which was in the news only when it fell prey to violence and political unrest. It could be said that the political situation in Rwanda was characterized by three trends: first, the democratic forces in favour of change, represented by the parties that had decided to use all democratic means to build a State in which the rule of law prevailed and which was based on peace and social justice; second, the forces of reaction, which were led by the former single party and were determined to use all means, even violent ones, to restore the dictatorship and all its practices, from which the Rwandese people had suffered over the last 20 years; third, the armed opposition, namely, the Rwandese Patriotic Front (RPF - Inkotanyi) which, strongly supported by Uganda, had taken up arms against Rwanda to impose terror, the prime enemy of democracy.

4. For over two years Rwanda had been beset by a murderous war, launched by the Rwandese Patriotic Front, which had resulted in the loss of countless lives and in large-scale material damage, and which was the cause of the exactions and violations of human rights observed in Rwanda. Wishing to bring that disastrous situation to an end and believing that no price was too high to pay for peace, the coalition and transition Government set up on 16 April 1992 had resolutely undertaken to conduct direct negotiations with the RPF in order to restore peace and security to the country. Those negotiations were taking place at Arusha, United Republic of Tanzania, with the endorsement of the international community, and had already resulted in the signing of a cease-fire agreement and two protocols of agreement concerning, respectively, the rule of law and power-sharing. There were still three points on the agenda for the negotiations, namely military integration, the problem of Rwandese refugees and the reinstatement of persons displaced by the war in their homes and property.

5. In its untiring efforts to protect human rights, the present Government of Rwanda unfortunately had incurred the hostility of the reactionary forces which were determined to maintain the anachronistic practices of the former single party that had governed the country during the previous 20 years. Those forces had perpetrated racist, ethnic and political massacres in several regions of the country, with immense loss of human life and material damage. The Government had reacted energetically by suspending with immediate effect the administrative authorities attached to the former single party, whose collusion in those atrocities appeared evident, as well as all who had failed in their duty to ensure the protection and security of the population. Similarly, judicial inquiries had been opened so that the guilty should be brought to court and punished in accordance with the law.

6. The Government deplored the fact that on 8 February 1993 the RPF had unfortunately decided to break the cease-fire agreement concluded on 12 July 1992. The resumption of hostilities had left many innocent victims and had led to further ethnic and political atrocities. It had also resulted in the displacement of hundreds of thousands of persons forced to leave their homes and sometimes even their makeshift camps. In that murderous and senseless war, the number of displaced persons had now reached a million. They were living in horrible conditions and their food and sanitary conditions were worsening with each day. Pupils in primary and secondary schools in two prefectures had been deprived of their fundamental right to education.

7. It was in that situation of crisis, war and economic collapse that the present transitional Government, composed of representatives of the five major political parties, was working without respite to defend basic human rights and public freedoms. While making one of its priorities direct negotiations with the Rwandese Patriotic Front to restore peace and security to the country, the present coalition Government had also made itself available to all the national and international organizations concerned with the defence and promotion of human rights and freedoms.

8. At the domestic level, the Government had promoted the establishment of humanitarian associations, which were allowed to work independently and without any obstruction. In their independent work of analysing, alerting public opinion and seeking a solution to the current problems of human rights violations, the Rwandese humanitarian organizations worked together with all religious denominations to help the Government to lead the country towards peace and full respect for rights and freedoms, and to enable everyone to join the political party of his choice, to express his opinions freely, to travel freely within the country and leave it freely. That joint action was also directed towards the promotion of the right to education and information and the right to take part in the management of public affairs. With that in mind, the Government had channelled all generous forces to combat the harmful forces that were desperately trying to sow discord throughout the country.

9. It was in that context that, on 22 May 1992, the present transitional Government had asked for an independent international commission to investigate the civil disturbances that had occurred in several regions of the country since the war had been started by the Rwandese Patriotic Front. That commission, which had also been requested by the Rwandese human rights associations, had been to Rwanda from 7 to 21 January 1993, and had received

the assistance of the Government in carrying out its mission. Its report would probably be issued that very day. The initial conclusions of the international commission of inquiry on the extortions and violations of human rights in Rwanda since October 1990 would supplement the information collected previously by other experts, including a member of the Brussels Bar.

10. That showed that despite the war foisted on it since October 1990, the Republic of Rwanda had always endeavoured to translate into action its determination to cooperate with all who wished to help promote human rights throughout the world. In that connection, the Government of Rwanda wished to confirm in full the content of the note verbale, dated 24 February 1993, which the Embassy of Rwanda in Bern had addressed to the Secretary-General of the United Nations. It recognized that human rights had indeed been flouted in Rwanda since the outbreak of the war in October 1990, both by extremist political elements hostile to peaceful change, and by the RPF, which relied primarily on violence to terrorize an innocent population that yearned for peace and democracy.

11. The Government of Rwanda deeply regretted the inhuman exactions committed on the territory under its control and those committed by the RPF. The latter had resulted in over a million displaced persons, now living in dreadful conditions despite the combined efforts of the Government of Rwanda, friendly countries and national and international organizations, in particular the International Red Cross. The Government of Rwanda took that opportunity to pay a tribute to all those benefactors. It also appealed to the international community and all persons of good will to take much more energetic action on behalf of the people displaced by the war who were having to live in inhuman conditions. The Rwandese Republic was above all awaiting action that would enable it to bring a rapid end to the atrocious war which the people had endured for over two years, and thus achieve greater democracy. The promotion of human rights necessarily entailed strong support for the democratic process.

12. The Government of Rwanda reiterated its commitment to close cooperation with all national and international organizations defending rights and freedoms, to taking all necessary measures to implement the resolutions designed to safeguard the peace and security of the Rwandese people and to prevent tragic events such as those that befell innocent villagers, ill-treated or even massacred because of their ethnic origins or political affiliations. It looked to the international community to take appropriate action with respect to those responsible for those tragic events, both the RPF and the political groups hostile to peaceful democratic change.

The meeting was suspended at 11.15 a.m. and resumed at 11.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued)
(E/CN.4/1993/7-E/CN.4/Sub.2/1992/55; E/CN.4/1993/36-41 and Add.1, 42-49, 75-76, 79, 82, 86, 95, 99, 102 and 105; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31 and 38)

13. Mr. BARRETO SOARES (International Peace Bureau), speaking as a student at university in Yogyakarta, Indonesia, and as an East Timorese, said that he wished mainly to speak of the violations of human rights in his country since it had been brutally invaded and occupied by the Indonesian army in 1975. He had been nine years old at the time and had grown up under the Indonesian occupation and gone to school under the Indonesian education system. Although he was young, he realized that people he knew in his town "disappeared" and that no one dared to protest for fear of being accused of belonging to the FRETILIN resistance movement. The soldiers often stole livestock to feed themselves. The Timorese could not go anywhere without carrying a travel document; they were not allowed to listen to foreign broadcasts and if they did they were punished; people's houses were raided in the early morning or late at night, and those suspected of being members of FRETILIN were arrested and put in prison. The incident that stood out most vividly in his memory was the day he had seen militia men on an army truck driving through the streets of the town holding high the severed heads of several guerrillas.

14. On completing his secondary education, he had had to leave East Timor for Java, where he wished to continue his studies at university. But beforehand he had to take a screening test to indicate whether he belonged to FRETILIN. In 1989 he had attended the mass celebrated by Pope John-Paul II in East Timor, which had been followed by a pro-independence demonstration; he had seen the demonstrators being beaten up by Indonesian security forces and later learnt that they had been jailed for interrogation. In later stays in Dili, capital of East Timor, his movements had been closely monitored by the Indonesian secret police.

15. Following a three-month stay in Canada to participate in a cultural exchange programme, he had realized, after the massacre of 12 November 1991 at Santa Cruz, Dili, East Timor, that the situation was becoming steadily worse. He also learned that some of his friends who had joined the East Timorese students' association had been arrested for conducting a peaceful demonstration in Djakarta to protest about the massacre and human rights abuses in East Timor since the 1975 invasion. Alarmed, he had finally taken the difficult decision to remain in Canada.

16. As long as there was no peaceful solution to the problem of East Timor, human rights abuses would continue. He hoped that the Commission on Human Rights would take meaningful initiatives to put an end to the human rights violations in East Timor, as did the people of East Timor who felt helpless in their own homeland.

17. Mr. de VLAMING (World University Service) said that although human rights violations had been carried out by the army in Burma since 1962, the scale of regression had increased since the arrival in power of the Government known as

the State Law and Order Restoration Council (SLORC), for Burmese soldiers were entitled under martial law to employ any measures they thought fit to re-establish order.

18. Tens of thousands of ethnic minority villagers had left the country and had been able to testify to the atrocities committed by the Burmese army in operations aimed at destroying entire communities so as to sever any links between the civilian population and the armed opposition forces.

19. Moreover, as part of the reorganization of the education system, universities and other educational institutions had been closed down and students and academics sent to follow re-education courses held by the army. Thousands of students remained unaccounted for, and so far it had been impossible to distinguish who was under arrest, dead, in exile or underground with the armed opposition groups. Moreover, many teachers had been dismissed in 1990 and 1991 after being ordered to fill in forms describing their political beliefs and their activities during pro-democracy protests. Others had been ordered to undertake security responsibilities and to report to the Government on the movements of their students. For years Burmese students and teachers had stood in the forefront of political protest. Everyone remembered the democracy uprising in 1988. All student and teacher associations had been banned, as had political parties and independent trade unions, following the proclamation of martial law. Under SLORC Order No. 2/88, public gatherings of more than five people had been declared illegal. A large number of students and teachers had been arrested and given long prison sentences, and there was no news of hundreds of them, including Min Ko Naing, Chairman of the All Burma Federation of Students' Unions, Min Zeya of the All Burma Students' Democratic Association, and U Kyaw Thiha, a history lecturer at Mandalay University.

20. SLORC had adopted a set of laws restricting liberty of thought, the written and spoken word, and had launched its own cultural revolution under which all artistic manifestations had to conform to certain patriotic standards. In addition, the study of ethnic minority affairs had been completely suppressed. Nothing symbolized the militarization of life in Burma more than the conduct of Mr. Pe Thein, the Minister of Education, who had taken to wearing a uniform, medals and a revolver.

21. The World University Service welcomed the report of the Special Rapporteur (E/CN.4/1993/37) and the recommendations to the Government of Burma. However, it considered that the Commission should request the Special Rapporteur to make a report on the numerous violations of internationally accepted standards committed by Burmese officials.

22. In respect of Guatemala, the World University Service welcomed the fact that in his report (E/CN.4/1993/10) the Independent Expert appointed by the Commission to study the situation in that country had mentioned the right to education and culture (paras. 230-233) and had concluded that there was discrimination in Guatemala in the access to education in general. The World University Service was concerned in particular about the safety of students and teachers, a number of whom had "disappeared", been executed or tortured. The World University Service believed that the Commission should appoint a

Special Rapporteur to study the human rights situation in Guatemala and should therefore include that country in the list of countries considered under agenda item 12.

23. Mrs. PARKER (Minority Rights Group) said that there was often a link between the denial of minority rights and violent conflicts. The Commission on Human Rights and the Sub-Commission had an extremely important role to play in conflict prevention and should therefore emphasize their early warning and early action potential.

24. For many years the Minority Rights Group had been addressing the Commission and the Sub-Commission on the gross and flagrant violations of human rights in Iraq, particularly those of which the Kurds were victims, but that year it wished to concentrate on the situation of the Marsh Arabs in the south of Iraq. The only information available on that population group, its way of life and current situation came almost exclusively from the media controlled by the Iraqi Government, and was therefore questionable. The international community had begun to interest itself in those people only very recently. A few European Governments were taking action to protect them, but the marsh-dwellers themselves had not been able to describe publicly their situation or specify their needs and wishes.

25. Recent news from that region was alarming. Since July 1991, towns and villages had been subjected to indiscriminate bombardment, resulting in numerous civilian deaths, particularly in the villages of Al-Salem and Al-Agar in early September 1992 and in the area south-west of Al-Amara. In implementation of a plan approved by the Iraqi National Assembly in April 1992, the inhabitants of the southern marshes had been encouraged to leave their villages and settle in larger villages where they were supposed to benefit from services of all kinds. In fact the Government was implementing a policy of forcible expulsion from the villages in the marshes near Al-Amara, which could be compared with the forced displacement of the Kurds in the north in the 1970s and 1980s. Nothing had been done at international level to help the marsh-dwellers. The aerial bombardments had stopped, it was true, but ground-based attacks on the marsh-dwellers had increased and with them violations of human rights.

26. In consequence, the Minority Rights Group recommended that the Commission should insist on full compliance with Security Council resolution 688 (1991), which requested Iraq to allow free access by the United Nations and non-governmental humanitarian agencies to those in need in all parts of the country. That included unhindered access to all parts of the marshes to assess needs of the inhabitants and provide assistance. It also asked the Commission to ensure that the Special Rapporteur's recommendations, especially the establishment of a team of human rights monitors in Iraq with an adequate number of the team assigned to monitor the situation in the marshes, and the removal by the Iraqi Government of the internal blockades, should be implemented as a matter of the greatest urgency.

27. Mr. AHDEROM (Baha'i International Community) once again called the Commission's attention to the systematic persecution to which the members of the Baha'i community in Iran had been subjected for some 14 years. The Baha'is were completely unprotected by the law in that country since they were

excluded from the list of recognized religious minorities. That had been acknowledged by the Iranian Government itself, as had been indicated by Mr. Galindo Pohl, the Special Representative, in paragraph 45 of the addendum to his report on the human rights situation in the Islamic Republic of Iran (E/CN.4/1991/41/Add.1). The Baha'is were considered as "unprotected infidels" whose rights could be ignored and violated with impunity. Repeatedly, the Baha'is had been advised by the Iranian authorities that they need only recant their faith and convert to Islam if they wished to live in peace.

28. For three and a half years there had been no executions of Baha'is; but in March 1992 the macabre sequence had restarted with the execution of Bahman Samandari, who was not, however, a spy, as the Iranian Government would have it believed, nor a man of loose morals. Another Baha'i had been assassinated on 17 June 1992 by two members of the Iranian disciplinary forces. Although the authorities had stated that the two criminals would be judged in an appropriate manner, no decision had yet been taken about them. Since 1979, 201 Baha'is had been killed and 15 others had disappeared and were presumed dead. In addition, arbitrary arrest and detention of Baha'is continued, and some had recently been condemned to death. Moreover, thousands of Baha'is had been deprived of the means to earn a living. In particular, in accordance with the law, the Baha'is could not be recruited for government positions. More than 10,000 Baha'is had been dismissed from their posts in the early 1980s because of their religious beliefs. A considerable number of them remained unemployed and received no unemployment benefit or retirement pension, and their property had been confiscated. For more than 12 years Baha'is had been systematically denied access to institutions of higher education, which was especially frustrating for them since Baha'i teachings placed special emphasis on education as the key to human progress. It was also a loss for the country, since Baha'is had consistently made outstanding contributions to the social, cultural and intellectual life of Iran.

29. The existence of the Baha'i community in Iran had been further threatened by the dismantling of its institutions and the prohibition of its organized activities. In some towns the Baha'is could not even bury their dead since their cemeteries had been confiscated along with their holy places, historical sites and administrative centres.

30. The assertions of discrimination against the Baha'is in Iran had been substantiated over the last 13 years by numerous documents originating from judicial and administrative agencies of the Iranian Government itself, which stated frankly that the Baha'is were subject to certain restrictions because of their religious beliefs. In contrast, the allegations by the Iranian Government against the Baha'is remained completely unsupported by any evidence. The seriousness of the situation of the Baha'is in Iran had been documented by Mr. Galindo Pohl in his report to the Commission on Human Rights and in the report he had submitted to the General Assembly at its forty-seventh session (A/47/617), in which he observed that the sudden intensification of action against the Baha'is raised the fear that the country was entering a phase of denial of human rights in some regions and of further prosecution of those Iranian citizens. The Baha'i International Community was grateful to the Commission on Human Rights for its efforts to ensure the protection of the Baha'is in Iran, and urged it to continue them so that the

Iranian Baha'is should no longer be victims of prejudice but considered as full citizens who contributed to the development of their country.

31. Mr. BORDIU (World Federation of Democratic Youth) called the Commission's attention to the breaches of the rights of young people in various continents. In Latin America, young people left to themselves after having been severely exploited ended up by being killed in the street by death commandos supported by Governments and employers' unions. In southern Asia, many young people were forced into prostitution and regular child slave markets were held, notably in Thailand, with the support of the local authorities. In the Republic of Korea, demonstrations by young people had been put down by force and several students were currently being detained without trial because they had called for democracy and the unity of peaceful Korea.

32. In Africa, the situation of young people was little better. Despite progress in South Africa, the social structures of apartheid were still in existence. Blacks still had no right to vote; 30 per cent of young black people were illiterate and over 2.5 million black children had been unable to attend school in 1992, because there was no room for them but also because of the violence committed by the members of Inkatha, a black party which received white support. In Angola, once again torn by war because the leader of UNITA refused to recognize the results of the democratic elections held in the presence of United Nations observers, young people were obliged to enrol in the guerrilla force. In Somalia, United States soldiers, under cover of humanitarian aid, were violently repressing demonstrations by young people protesting against the interference of other countries in the affairs of their own.

33. In the Middle East, young Palestinians fighting for the freedom of their imprisoned fathers and the return of their brothers were daily falling under the bullets of the Israeli army while awaiting the final implementation of United Nations decisions calling for the retreat of the occupation forces from the occupied territories. In Yugoslavia, young people hostile to the war were asking the international community not to intervene militarily in the conflict but to influence in one way or another the discussions being held in Geneva.

34. Lastly, the World Federation of Democratic Youth wished to mention the difficult situation of young Cubans due to lack of raw materials, medicines, foodstuffs and other difficulties caused by the blockade imposed by the United States on Cuba for the last 33 years. It urged the Commission on Human Rights to take action to end that blockade, which endangered the social fabric and the life of the Cuban people. In that connection, it wished to say that it did not recognize the right of the representative of the International Association of Educators for World Peace to speak on behalf of the young people of Cuba who, according to the Association, were opposed to the Cuban Government and completely ignorant of the outside world. The World Federation of Democratic Youth in fact represented the majority of young Cubans who made their voice heard, and who had demonstrated on 30 December 1992 in favour of a Cuban society free from any outside interference. Moreover, all Cubans had access to education; the literacy rate in Cuba was the highest in the region and young Cubans went abroad every year to study, notably to France.

35. Ms. PARKER (Disabled Peoples' International) said that some efforts had been made by the United Nations to help Disabled Peoples' International to publicize the gross violations of the rights of disabled persons; to address the violations that caused disability; and to develop acceptance of the idea that issues of disability were fundamentally issues of human rights. While welcoming in particular the conclusion of the report on human rights and disability by Mr. Despouy, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1991/31), and the preparation of a comprehensive questionnaire for States parties to address in the reporting process of the Committee on Economic, Social and Cultural Rights, Disabled Peoples' International regretted that the report had not yet been published and that only the Committee on Economic, Social and Cultural Rights had followed up the Rapporteur's recommendation that all the treaty-monitoring bodies should examine the question of the rights of the disabled and the links between human rights violations and disability. In particular, Disabled Peoples' International was very disappointed that the General Assembly had not responded to its request, endorsed by the Special Rapporteur, to establish a high-level advisory committee composed of persons nominated by organizations of disabled persons or to its proposal to appoint an ombudsman to deal with the question. Moreover, only a handful of countries had ratified ILO Convention No. 159 on the Vocational Rehabilitation and Employment of Disabled Persons.

36. At its third World Congress held in Vancouver in April 1992, Disabled Peoples' International had urged all Governments to implement the rights of everyone, including the disabled, and launched an appeal for international cooperation in achieving that objective, establish peace and end the most serious violations of human rights. As Mr. Malinga, President of Disabled Peoples' International had stated, the liberation of the world's nearly half a billion disabled people could only come about through disabled peoples' organizations, and disability was also a human rights issue.

37. Mr. AN MYUNG SIK (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that it was regrettable that Japan refused to acknowledge the resurgence of one of the most brutal crimes against humanity, which had been referred to by his delegation, namely the "comfort women" for the Japanese Army. Accordingly, if that practice were not rapidly abolished, the Democratic People's Republic of Korea would be obliged to appeal to the international community. It was also a cause for concern that the Japanese Government should act as if the massive violations of human rights that had been committed prior to the establishment of the United Nations had never taken place.

38. Moreover, the Korean delegation would have wished that Japan would acknowledge the fact that it had forced 6 million Koreans to take part in the war.

39. Lastly, on the subject of Japanese women who had married Koreans, the Japanese representative had distorted the facts by claiming that the Democratic People's Republic of Korea had prevented them from travelling. Any problems that such persons might encounter in travelling must be attributed to the hostile policy of Japan towards the Democratic People's Republic of Korea. Only a year ago, a note in Japanese passports had still indicated that they

were valid throughout the world with the exception of the Democratic People's Republic of Korea; that prevented Japanese from going to Korea and, at the same time, prevented Korean citizens from going to Japan. When relations between Korea and Japan were normalized, the problem of travel would automatically be solved.

40. His delegation could not help comparing the attitude of Japan with that of Germany which took full responsibility for its past, as the German Minister for Foreign Affairs had recently told the Commission. His delegation urged Japan to cooperate with the international community and to clarify its criminal past, which had long remained concealed.

41. The CHAIRMAN proposed that in accordance with its usual practice, the Commission should adopt the following draft decision on the question of human rights in Cyprus: "At its 59th meeting, on 8 March 1993, the Commission decided, without a vote, to postpone debate under agenda item 12 (a) entitled 'Question of human rights in Cyprus' to its fiftieth session and to give it due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation".

42. In addition, the observer for Turkey had requested that his reservations concerning the previous decisions of the Commission should be included in the summary record.

43. If there was no objection, he would take it that the Commission adopted the draft decision by consensus.

44. It was so decided.

45. Mr. VILLAROEL (Observer for the Philippines), speaking in exercise of the right of reply, said that his country considered the non-governmental organizations working in the Philippines as partners in development and at the political level. In that spirit, the Philippine delegation had listened on Friday, 5 March, to the comments made on the subject of the Philippines by the representative of the Third World Movement against the Exploitation of Women.

46. Unfortunately, it had to be said that that NGO had said nothing new or important and that some of its allegations were even false. That NGO had reluctantly recognized the efforts made by the Philippine Government in favour of the peace process and human rights, but claimed that those initiatives were not sincere and only represented, as it were, the calm before the storm. It was true that the Philippines had experienced many storms, but that period was over. The Government of the Philippines was now endeavouring to put an end to an ideological conflict which no longer had any justification, and to promote peace and prosperity. It sincerely hoped, therefore, that the non-governmental organizations would continue to give it their support and cooperation.

47. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 12.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

(d) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (agenda item 24) (continued) (E/CN.4/1993/65, 66, 67 and Add.1, 86, 95 and 99; E/CN.4/1993/NGO/1; E/CN.4/1992/55 and Add.1; E/CN.4/Sub.2/1992/34 and Corr.1; A/RES/47/112, CRC/C/10)

48. Ms. FERRARO (United States of America) said that the end of the cold war, the global trend towards democracy and reductions in military expenditures could benefit the world's children if the international community seized the opportunity. Many countries members of the Commission had made formal commitments to do so and had already signed the Convention on the Rights of the Child, adopted by the General Assembly in 1989 (A/RES/44/25). Although the United States had played an active role over the 10 years of negotiations for that Convention, it had not yet signed it. However, there was reason to be optimistic in that regard since it was a matter close to the heart of the new United States administration. President Clinton had, for example, asked the Congress to appropriate additional monies to immunize an estimated 1 million infants and children, hire medical staff and keep clinics open longer. Those measures were in line with the provision of the Convention that it was the State's obligation to ensure the child's survival and development. The United States also subscribed to the idea that children, like other human beings, were entitled to freedom of expression, thought and religion, and it likewise supported many other principles reflected in the Convention.

49. It was not enough, however, to deal with the material problems facing children. They must also be offered the best possible educational environment. In that regard, it was essential not to teach them hatred and prejudice, which they did not know until they were taught them by adults. The peace and future of the world would depend on how men and women supported and protected their children.

50. Mr. ESPER LARSEN (Observer for Denmark), speaking on behalf of the European Community and its member States, said that particular importance should be given to the Convention on the Rights of the Child. In that regard, the Committee on the Rights of the Child established by the Convention was playing an important role in its implementation and had generated a permanent dialogue involving all parties concerned with the promotion of children's rights at the international and national levels. The European Community and its member States also welcomed the convening of the World Summit for Children in September 1990 and the Declaration and Plan of Action which had issued from it. In that context, the European Community and its member States wished to underline the important role of UNICEF and its national committees, as well as

of non-governmental organizations, which had made public opinion aware of the problems, had taken numerous initiatives and had carried out a large number of projects designed to meet the specific needs of children.

51. The European Community and its member States were particularly concerned about the phenomenon of street children. Street children were forced by circumstances to live on the margins of society, without education, health care or security. In developing countries, they were often the product of migration to urban areas, unemployment, poverty and broken families. In industrialized countries, they were usually the victims of alienation and systematic exclusion. Their deprivation could turn them to crime, drug abuse, violence and prostitution. Very often, too, they were exploited, maltreated or even ruthlessly killed. It was essential for Governments to assume their responsibilities in order to address that question and investigate all cases of offences against street children, of which there were an estimated 30 million worldwide. The European Community hoped that the Commission on Human Rights would continue to focus its attention on the problem and that its members would unanimously support the resolution on the plight of street children which the Community intended to submit under agenda item 24.

52. The European Community and its member States were extremely concerned about the problem of child employment, a phenomenon that was often a symptom of poverty. It would be wrong to think that, because legislation existed, children were not being exploited. Legislation was not an adequate safeguard unless it was applied effectively. Employment of children must not jeopardize their health and education. In that context, the European Community welcomed the resolution proposed by the Sub-Commission concerning a programme of action for the elimination of the exploitation of child labour.

53. The European Community and its member States believed that poverty constituted a violation of human dignity and seriously affected the most vulnerable members of society, namely children. Every day, 150 million children under the age of five went to bed hungry and 23 million were classified as malnourished.

54. The European Community was also very concerned about the plight of children in areas of armed conflict. Children in such areas often suffered from shortage of food, water and adequate shelter and were denied access to health services and schooling. Moreover, they were often attacked and many were killed or injured by guns or mines. The number of children used as soldiers was still increasing and ever-younger children were being recruited.

55. Compliance with the existing international instruments was essential. In that regard, it should be pointed out that the Committee on the Rights of the Child had envisaged the adoption of certain priority measures: first, to recommend to the General Assembly that it request the Secretary-General to undertake a study on ways and means of improving the protection of children during armed conflicts; and, second, to consider a draft optional protocol to the Convention on the Rights of the Child which would raise the age of recruitment into armed forces, as referred to in article 38 of the Convention, to 18 years.

56. Child prostitution and child pornography were particularly abhorrent and constituted two of the most serious offences against human dignity. There should be no hiding place for people who used or exploited children through prostitution or pornography. No one knew exactly how many children around the world were involved in prostitution. In many parts of the world, the combination of continuous population growth, widespread underemployment or unemployment and a lack of political will made it more difficult to adopt effective measures. Governments should act decisively, both at the national level and within the framework of the United Nations, to stop the practice of child prostitution. In that regard, the European Community and its member States were pleased to have been able to support resolution 1992/74, at the Commission's forty-eighth session, concerning the programme of action for the prevention of the sale of children, child prostitution and child pornography.

57. Lastly, the European Community and its member States urged all Governments to accede to the Convention on the Rights of the Child and to comply with its provisions, particularly those concerning the problems of street children, child prostitution, children affected by armed conflicts and general abuse of children throughout the world.

58. Mr. HITAM (Malaysia) said that the children of today would determine the destiny of nations. It was therefore the duty of every country to ensure that children became productive, competent, responsible and disciplined members of society.

59. Since independence, the development of the child in Malaysia had been an integral part of overall socio-economic development policy. In the five-year plans formulated since 1957 aimed at stimulating economic growth, raising the standard of living and restructuring society, emphasis had been given to human resource development to ensure stability and national unity. Like many other countries, Malaysia wished to develop not only economically but in all respects. As a developing country, it could benefit from the experience - both positive and negative - of the developed countries in order to visualize the kind of development best suited for it. To build a united society with strong moral and ethical values that was democratic, tolerant, equitable, progressive and prosperous, Malaysia would have to meet numerous challenges. It was thus in the present generation of children that it placed its hopes.

60. While striving to ensure that the rights set forth in the Convention on the Rights of the Child were observed, Malaysia was also concerned to provide children with an education enabling them to develop their full potential and with moral and ethical values consonant with the country's cultural, ethnic and religious identity. Particular emphasis was being given to disadvantaged population groups and underdeveloped regions in order to eliminate poverty, promote social restructuring and foster national unity. That explained why the greater part of the annual national budget was devoted to education and social services.

61. Promoting traditional social, religious and moral values, in both formal and informal education, was all the more essential because children were particularly vulnerable to problems such as drug abuse and delinquency. Responsibility for ensuring that the child enjoyed his fundamental rights lay

primarily with the family, i.e. with the parents. At the same time, the State had a duty to provide the environment essential for the advancement of the social, economic, cultural and political well-being of its population. For the child's rights to be fully realized, his country must be economically sound, politically stable and conscious of its own responsibilities. In that regard, the international community and especially the developed countries bore responsibility for creating an international economic environment that would enable the poorer nations to develop at least to the level where they could provide for the enjoyment of basic human rights. The time had therefore come to translate international commitments to the fulfilment of the rights of the child into reality, given the increasingly difficult social and economic situations in many developing countries.

62. The developing countries also viewed with concern the growing social problems in some developed countries, in particular drug abuse and juvenile delinquency. Even more frightening was the rise, in some Western countries, of a new racism among young people, who were victimizing foreigners and other vulnerable population groups, including the handicapped. Those phenomena were more often than not attributed to the breakdown of the family and to an extremely liberal interpretation of some of the child's rights and individual freedoms. In the upbringing of children, however, discipline was essential, whether society liked it or not. The liberal interpretation of any right could lead to the very abuse of that right.

63. Lastly, Malaysia was in the final stage of drawing up its national action plan for children, in accordance with the guidelines set out in the World Declaration on the Survival, Protection and Development of Children and taking into account its multi-ethnic and religious environment and own experience.

64. Mr. DUAN Jielong (China) said that children everywhere represented the future and hope of a country. That was why the family, school, country and even the international community as a whole should make sure that children were protected and, in particular, that they were not exposed to man-made dangers.

65. China noted with satisfaction that since the World Summit for Children in 1990, the international community had unanimously agreed on certain rules and laws to ensure respect for the rights of the child. Some 130 countries had already become parties to the Convention on the Rights of the Child. That showed that the efforts undertaken by the international community to draft the Convention under the auspices of the United Nations had not been in vain and that the applicability of the fundamental principles set forth in that instrument was widely recognized. As more and more countries implemented the Convention, the protection of the rights of the child would be assured on a more solid basis and in the context of more practical targets. It was also encouraging that, at their meeting in November 1992, the States parties to the Convention had resolved the problem of the consideration of reports submitted by States parties to the Committee on the Rights of the Child, which should now be able to carry out its work more effectively. His delegation wished to avail itself of the opportunity to congratulate those members of the Committee who had recently been elected.

66. In China, children under the age of 15 numbered more than 300 million, accounting for 27.71 per cent of the total population. It was understandable, therefore, that the Government and people of China should have always given the highest priority to the education, training and protection of children. While safeguarding the fundamental rights of the child through legislative, administrative and other measures, the State had also endeavoured to protect children from famine and epidemics and provide them with education, health care and other conditions of well-being. Although China as a whole was still a country in the primary stage of its development, it was proud of what it had already achieved for children. Children, too, were proud of living in a society that had reached a high level of spiritual and material well-being.

67. In implementing the provisions of the Convention, China was ready to learn from the experience and practices of other countries so as to improve its legislation and other relevant mechanisms, while preserving its own tradition. The legislative organs and government departments had passed a number of acts and regulations which incorporated the provisions of the Convention into Chinese law. Moreover, to ensure that the rights of the child were protected in a systematic and institutionalized manner, and with a view to focusing public attention on that question, the State Council in March 1992 had adopted a "programme outline for Chinese children in the 1990s" which made reference to some elements of the two documents adopted at the World Summit for Children and set out 10 objectives and specific measures, in particular to reduce infant mortality and improve child health and education.

68. It should also be mentioned that the Government of China and UNICEF had co-sponsored the Second Consultative Conference of the East Asian and Pacific Region on the Convention on the Rights of the Child, held in August 1992 in Beijing. The participants in the Conference had considered in particular how to implement the provisions of the Convention at the national level and how to overcome the obstacles to its ratification, as well as principles to guide the drafting of the reports required from States parties. The Conference had concluded with the adoption of the Beijing Accord, which was aimed at strengthening multilateral and regional cooperation and urged each country and the international community to meet their commitments under that instrument. His delegation hoped that the positive outcome of the Conference would contribute to international efforts aimed at protecting the rights of the child.

69. Since its ratification of the Convention in December 1991, China had made earnest efforts to fulfil its legal obligations. It would continue its efforts in that direction, in the light of its own conditions. China was also willing to cooperate with other countries in sharing the results of their respective experiences.

70. Mr. WILLIS (Australia) said that his country welcomed the rapid acceptance of the Convention on the Rights of the Child. Australia hoped that all States would ratify the instrument as soon as possible, particularly those States which had already signed it. The remarkable fact was that 138 States had thus far signed the Convention - more than were party to either of the 1966 International Covenants on Human Rights - and most had also ratified it. The reason was perhaps that, while emphasizing the principle of

the indivisibility of all human rights, the Convention recognized, within a framework of universal standards, the importance of national conditions and the culture, traditions and family structures of each country.

71. The principles set forth in the Convention would still be meaningless if they were not implemented at the national level. Australia had been particularly interested to note that the San José Declaration, adopted by the Latin American and the Caribbean Regional Preparatory Meeting for the World Conference on Human Rights, had emphasized the urgent need for Governments to establish national commissions, made up of governmental and non-governmental organizations, for monitoring and follow-up of the Convention. The Commission on Human Rights itself - in the resolution it had adopted the previous year on national institutions - and several other forums, including the African Regional Meeting held in Tunis in November 1992, had likewise noted that each country bore responsibility for the development of appropriate machinery to promote and protect human rights, in the light of its particular national conditions and having regard to its constitutional and legal framework.

72. Australia, for its part, had preferred to add the Convention on the Rights of the Child to the international instruments for which its national human rights commission provided follow-up. That, of course, did not in itself mean that the Convention had been fully incorporated into law or practice in Australia, and it was a fact that, like other countries, Australia still had much to do to implement all the measures called for in the Convention.

73. In that context, his delegation wished to express its appreciation to the Special Rapporteur on the sale of children, child prostitution and child pornography for the document he had prepared. The recommendations contained in that report (E/CN.4/1993/67) would be examined by the incoming federal Government and then passed on to the various States comprising Australia. The Special Rapporteur drew attention to the need for an integrated approach aimed at combating poverty and family disintegration. Australia accepted that there was a case for greater uniformity in its federal and State laws and for analysis of the relationship between those laws and customary law, as well as for inter-state consultations on children's rights. It should be remembered, however, that the rights of the individual child did have extensive protection under Australian law.

74. Australia was confident that the Convention on the Rights of the Child would have an increasing impact on its legislation and policies, including through the work of the Australian national human rights commission. Indeed, some results had already been achieved: following the Australian national commission's inquiry into homeless children, substantial changes had been made in the design of official programmes for children and the Government had allocated additional funds totalling approximately $100 million over a three to four-year period. The inquiry had also increased public awareness of relevant human rights issues and mobilized communities to assist homeless and disadvantaged children and young people.

75. The Convention gave particular emphasis to the situation of children who were disadvantaged or discriminated against, as well as to the children of indigenous peoples. In the International Year for the World's Indigenous

People, it was appropriate to recall that in Australia, as in a number of other countries, indigenous children were particularly disadvantaged. A commissioner for aboriginal and Torres Strait islanders' social justice had, for that reason, been appointed recently to Australia's national human rights commission. He would report annually on the situation of indigenous peoples, notably in the light of the Convention on the Rights of the Child.

76. Millions of children with physical or intellectual disabilities also experienced disadvantage and discrimination, including in Australia. The Convention nevertheless granted them the same rights as other children and, in addition, recognized specific rights. At the national level, too, account should be taken of their situation. In that connection, mention could be made of the recent work of the Australian Social Development Commission for the equalization of opportunities for people with disabilities. Australian national legislation against discrimination on the basis of disability had recently been included in the terms of reference of the national human rights commission. That legislation made such discrimination unlawful in a wide range of areas, including some of particular relevance to children, such as education.

77. His brief statement had indicated some of the legal and institutional measures being taken in Australia that were relevant to the Convention. Australia urged all States to participate in the international system for monitoring the Convention and above all to put in place national mechanisms to ensure that its lofty principles were translated into reality.

The meeting rose at 1.05 p.m.